



November 13, 2006

Mr. William Hogarth, Assistant Administrator for Fisheries  
Department of Commerce  
NOAA-Fisheries  
National Marine Fisheries Service  
Silver Spring, Maryland 20910

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Dear Mr. Hogarth:

The Washington Department of Fish and Wildlife (WDFW), Oregon Department of Fish and Wildlife (ODFW), and Idaho Department of Fish and Game (IDFG), on behalf of their respective states (hereafter called "the States"), submit this application to the National Marine Fisheries Service (NMFS) under Section 120(b)(1)(A) of the Marine Mammal Protection Act of 1972 (MMPA; 16 U.S.C. §1361 et seq.) for the intentional lethal removal of California sea lions (*Zalophus californianus*) in the Columbia River which are having a significant negative impact on the recovery of Pacific salmon and steelhead (*Onchorynchus* spp.) listed as threatened and endangered under the Endangered Species Act of 1973 (ESA; 16 U.S.C. §1531 et seq.).

California sea lions have experienced an incredible recovery over the past 30 years. As a result, their numbers in the Columbia River Basin have increased as has their predation on ESA-listed salmonids. In the past five years, this problem has become acute. It is vitally important to restore a balance in the Columbia River between the healthy and robust California sea lion population, and the endangered and threatened salmon and steelhead populations. In areas where salmonids are vulnerable, the States' need to use every wildlife management tool available to restore that balance, including the authority to remove animals when feasible and prudent non-lethal efforts fail. We learned from our experience with California sea lion predation at the Ballard Locks, Washington, that if predation is not stopped, even a few individual sea lions have the potential to cause significant predation losses.

Extensive actions are being taken to improve the survival of salmon and steelhead in the Columbia Basin (e.g. harvest reductions, hatchery program improvements, hydroelectric system mitigation, watershed and sub-basin planning). All of these efforts will continue to increase as comprehensive recovery plans are implemented. Despite these efforts, however, Columbia River salmon and steelhead are still in danger of extinction. California sea lions are at high levels of abundance in the river and their increasing predation rates represent a mounting threat to the recovery of listed stocks. All threats to recovery must be appropriately addressed including California sea lion predation.

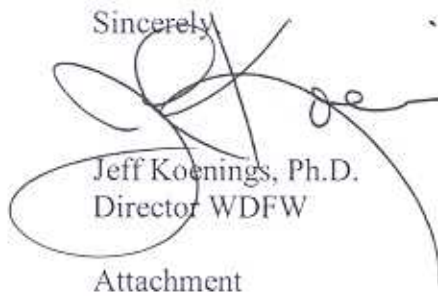
In cooperation with NMFS and the U.S. Army Corps of Engineers, we have already conducted a great deal of research to document this growing problem. This work has included marking individual sea lions to monitor repeated foraging behaviors, tracking the movements and abundance of sea lions, and developing estimates of salmonids lost to predation. In addition, we have conducted non-lethal hazing tests and programs over the past two years, which, not surprisingly, have met with very limited success at reducing sea lion numbers and predation rates. Although we plan on continued use of various non-lethal techniques to discourage sea lion predation on salmonids at Bonneville Dam and other problem areas, we strongly believe a lethal removal option is necessary to gain control and reduce the risk of increasing predation losses.

No action, or continued use of non-lethal methods only, will likely result in an expansion of the problem by allowing increasing numbers of sea lions to become recruited into the existing pool of nuisance animals. The expected benefit of the permanent removal of animals in question will be to reduce this relatively recent, unnatural, and significant source of mortality to ESA-listed salmonids in the basin. The MMPA was amended in 1994 precisely to deal with situations such as the one that has arisen at Bonneville Dam and we urge the Secretary to approve this Section 120 request.

The States look forward to continued work with NMFS to address the sea lion predation issue in the Columbia River. In that regard, we have included a list of suggested organizations (Attachment 1) for consideration on the Bonneville Dam Pinniped-Fishery Interaction Task Force which will need to be formed should our application move forward. We believe these organizations are knowledgeable about the issues being raised and should be considered for inclusion on the task force. Formation of a strong task force will be essential for resolving the sea lion predation issue and further our recovery efforts in the Columbia River Basin.

Thank you for consideration of this request. We look forward to hearing from you.

Sincerely,



Jeff Koenings, Ph.D.  
Director WDFW



Virgil Moore  
Director ODFW



Steven Huffaker  
Director IDFG

Attachment

cc: Washington Congressional Delegation  
Oregon Congressional Delegation  
Idaho Congressional Delegation  
Washington Fish and Wildlife Commission  
Oregon Fish and Wildlife Commission  
Idaho Fish and Game Commission



**Suggested agencies and organizations for inclusion on Bonneville Dam Pinniped-Fishery Interaction Task Force**

NOAA-Fisheries/National Marine Fisheries Service  
U.S. Army Corps of Engineers  
Bonneville Power Administration

Washington Department of Fish and Wildlife  
Oregon Department of Fish and Wildlife  
Idaho Department of Fish and Game  
California Department of Fish and Game  
Alaska Department of Fish and Game

Department of Fisheries and Oceans-Canada

Yakama Tribe  
Nez Perce Tribe  
Umatilla Tribe  
Warm Springs Tribe  
Columbia River Intertribal Fish Commission

Pacific Fisheries Management Council  
Pacific States Marine Fisheries Commission  
The Marine Mammal Commission

University of Washington, School of Aquatic and Fishery Sciences  
Oregon State University, Department of Fisheries and Wildlife, Marine Mammal Program  
University of Idaho, Department of Fish and Wildlife Resources  
University of Maine, Department of Wildlife Ecology  
University of California-Davis/The SeaDoc Society

Humane Society of the United States  
Sierra Club  
Save Our Wild Salmon  
Oregon Anglers  
Salmon For All  
Trout Unlimited  
Northwest Sport Fishing Industry Association  
The Marine Mammal Center  
The Wildlife Society  
The American Fisheries Society